

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
TIMOTHY JAMES ULTSCH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.
-----X**ORDER**

19 CV 10703 (VB)

On May 18, 2020, the Clerk docketed petitioner's motion dated May 13, 2020, in which petitioner, who is proceeding pro se, requests (i) an extension of time to file a reply to the government's opposition to petition for a writ of habeas corpus, and (ii) that the Court appoint him a Criminal Justice Act ("CJA") attorney pursuant to 18 U.S.C. § 3006A. (Doc. #26).

As to petitioner's first request, petitioner's reply was originally due on April 9, 2020. (Doc. #15). On March 25, 2020, the Court extended petitioner's time to file a reply to May 11, 2020. (Doc. #19). In his motion, petitioner writes that on or about April 27, 2020, he mailed a letter to the Court to request an extension of his time to reply to June 10, 2020. (Doc. #26 at ECF 3). As of May 19, 2019, this letter has neither been received by the Court nor filed on the docket by the Clerk. In addition, petitioner notes he has limited time to access a typewriter and legal research material given the lockdown at FCI Otisville due to the COVID-19 pandemic. (Id. at ECF 5). Accordingly, the Court extends petitioner's time to file a reply to July 19, 2020.

As to petitioner's second request, the Court has considered the type and complexity of this case, the merits of petitioner's arguments, and petitioner's ability to argue the petition. The Court does not find any exceptional circumstances in petitioner's case that would warrant the appointment of CJA counsel at this time. See 18 U.S.C. § 3006A(a)(2)(B); see also Southern District of New York Revised Plan for Furnishing Representation Pursuant to the Criminal Justice Act, § V. Accordingly, petitioner's application is DENIED WITHOUT PREJUDICE.

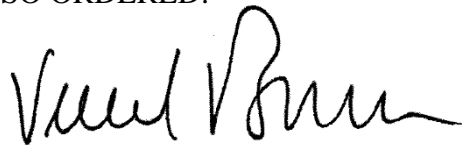
The Clerk is directed to terminate the motion. (Doc. #26). Chambers will mail a copy of this order to petitioner at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: May 19, 2019

White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge